

**- E X H I B I T A -**

SUPREME COURT OF THE STATE OF NEW YORK

COUNTY OF KINGS

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FLORYTA VELAZQUEZ,

Plaintiff(s),

-against-

THE STOP &amp; SHOP SUPERMARKET COMPANY, LLC,

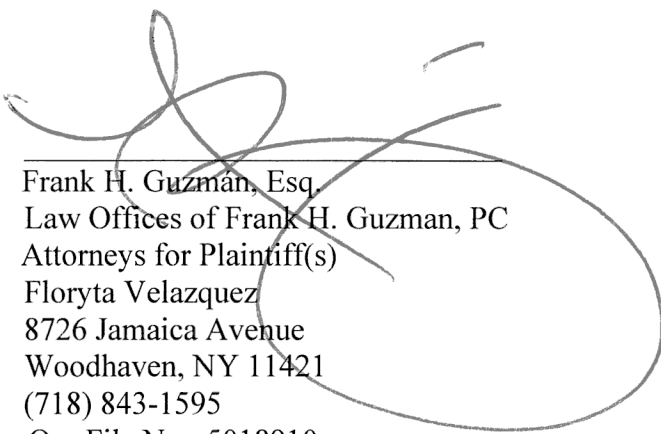
Defendant(s).  
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Index No.:

Date Purchased:

**SUMMONS**Plaintiff designates Brooklyn  
County as the place of trial.The basis of venue is:  
Plaintiff's residencePlaintiff's resides at:  
3 Cypress Court  
Brooklyn, NY 11208  
County of Kings**To the above named Defendant(s):**

**You are hereby summoned** to answer the complaint in this action, and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance on the Plaintiff's attorney(s) within twenty days after the service of this summons, exclusive of the day of service, where service is made by delivery upon you personally within the state, or, within 30 days after completion of service where service is made in any other manner. In case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: Woodhaven, New York  
April 22, 2020  
\_\_\_\_\_  
Frank H. Guzman, Esq.  
Law Offices of Frank H. Guzman, PC  
Attorneys for Plaintiff(s)  
Floryta Velazquez  
8726 Jamaica Avenue  
Woodhaven, NY 11421  
(718) 843-1595  
Our File No.: 5018910

TO:

The Stop & Shop Supermarket Company, LLC  
92-10 Atlantic Avenue  
Ozone Park, NY 11416

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS

-----X  
FLORYTA VELAZQUEZ,

**VERIFIED COMPLAINT**

Plaintiff(s),

-against-

Index No.:

THE STOP & SHOP SUPERMARKET COMPANY, LLC,  
Defendant(s).  
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Plaintiff(s), by her attorneys, **Law Offices of Frank H. Guzman, P.C.**, as and for a cause of action alleges upon information and belief as follows:

- 1) At the time of the commencement of this action plaintiff **Floryta Velazquez** was a resident of the County of Kings, City and State of New York.
- 2) The cause of action herein alleged arose in the State of New York, County of Queens.
- 3) That this action falls within one or more of the exemptions set forth in CPLR §1602, §1602(1), §1602(2), §1602(3), §1602(4), §1603(5), §1603(6), §1603(7), §1603(8), §1603(9), §1603(10), §1603(11) and §1602(12) of the State of New York.
- 4) On 5/21/2017 and at all times herein mentioned, defendant THE STOP & SHOP SUPERMARKET COMPANY, LLC, was and still is a foreign corporation duly authorized and existing under and by virtues of the laws of the State of Delaware.
- 5) On 5/21/2017 and at all times herein mentioned, defendant THE STOP & SHOP SUPERMARKET COMPANY, LLC owned the premises located at 92-10 Atlantic Avenue, Ozone Park, NY 11416.
- 6) On 5/21/2017 and at all times herein mentioned, defendant THE STOP & SHOP SUPERMARKET COMPANY, LLC leased the premises located at 92-10 Atlantic Avenue, Ozone Park, NY 11416.
- 7) On 5/21/2017 and at all times herein mentioned, defendant THE STOP & SHOP SUPERMARKET COMPANY, LLC operated the aforesaid premises.
- 8) On 5/21/2017 and at all times herein mentioned, defendant THE STOP & SHOP SUPERMARKET COMPANY, LLC managed the aforesaid premises.

9) On 5/21/2017 and at all times herein mentioned, defendant THE STOP & SHOP SUPERMARKET COMPANY, LLC controlled the aforesaid premises.

10) On 5/21/2017 and at all times herein mentioned, defendant THE STOP & SHOP SUPERMARKET COMPANY, LLC maintained the aforesaid premises.

11) On 5/21/2017 and at all times herein mentioned, defendant THE STOP & SHOP SUPERMARKET COMPANY, LLC repaired the aforesaid premises.

12) That upon information and belief, defendant THE STOP & SHOP SUPERMARKET COMPANY, LLC had actual notice of this defective condition for at least fifteen (15) days prior to 5/21/2017.

13) That upon information and belief, defendant THE STOP & SHOP SUPERMARKET COMPANY, LLC had constructive notice of this defective condition.

14) That at all times hereinafter mentioned, the defendant(s) breached their duty to plaintiff(s) under §78 of the New York State Multiple Dwelling Law by permitting the conditions herein complained of to exist.

15) On 5/21/2017 plaintiff, **Floryta Velazquez** was lawfully walking on the aforesaid premises.

16) On 5/21/2017 plaintiff, **Floryta Velazquez** was lawfully walking on the aforesaid premises with the knowledge, permission and consent of the owner or owners.

17) On 5/21/2017 while plaintiff **Floryta Velazquez** was lawfully walking about the aforesaid premises, plaintiff was caused to slip, trip, and fall and sustain severe and permanent injuries.

18) The above mentioned occurrence and the results thereof were caused by the joint, several and concurrent negligence of the defendants and/or said defendants' servants, agents, employees and/or licensees in the ownership, operation, management, supervision, maintenance and control of the aforesaid premises.

19) That no negligence on the part of the plaintiff contributed to the occurrence alleged herein in any manner whatsoever.

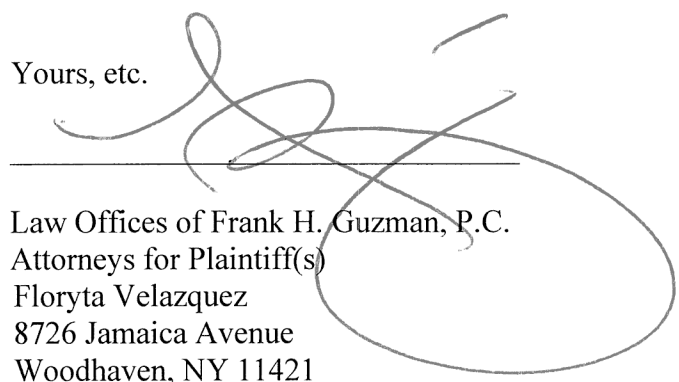
20) That because of the above stated premises, plaintiff was caused to sustain serious injuries and to have suffered pain, shock, mental anguish; that these injuries and their effects will be permanent; as a result of said injuries plaintiff was caused and will continue to be caused to incur expenses for medical care and attention; and plaintiff was and will continue to be rendered unable to perform plaintiff's normal activities and duties and has sustained a resultant loss therefrom.

21) That as a result of the foregoing, plaintiff was damaged in an amount which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

WHEREFORE, plaintiff, **Floryta Velazquez** demands judgment against the defendants herein in an amount which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction, together with the interest, costs and disbursements of this action.

Dated: Woodhaven, NY  
April 22, 2020

Yours, etc.



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Law Offices of Frank H. Guzman, P.C.  
Attorneys for Plaintiff(s)  
Floryta Velazquez  
8726 Jamaica Avenue  
Woodhaven, NY 11421  
(718) 843-1595  
Our File #: 5018910

## PLAINTIFF'S VERIFICATION

STATE OF NEW YORK:

COUNTY OF QUEENS:

Floryta Velazquez, being duly sworn, says:

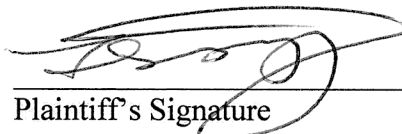
I am the Plaintiff in the action herein.

I have read the annexed COMPLAINT and know the contents thereof, and the same are true to my knowledge, except those matters therein which are stated to be alleged upon information and belief, and as to those matters I believe them to be true. My belief as to those matters therein not stated upon knowledge, is based upon facts, records, and other pertinent information contained in my personal files.

Dated: WOODHAVEN, NEW YORK

APRIL 22, 2020

FRANK H. GUZMÁN  
Notary Public, State of New York  
No. 02GU6181743  
Qualified in Nassau County  
Commission Expires February 11, 2024

  
Plaintiff's Signature

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS Index No.:

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FLORYTA VELAZQUEZ

Plaintiff(s),

-against-

STOP & SHOP

Defendant(s).

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**VERIFIED SUMMONS AND COMPLAINT**

Law Offices of Frank H. Guzman, P.C.

Attorney for the Plaintiff(s)

Office and Post Office Address and Telephone

87-26 Jamaica Avenue, Woodhaven, NY 11421

Ozone Park, New York 11416

Phone (718) 843-1595

Fax (718) 843-1295

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To:

Signature (Rule 130-1.1-a)

Frank H. Guzmán, Esq.

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Service of a copy of the within is hereby admitted.

Dated: \_\_\_\_\_

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PLEASE TAKE NOTICE:

NOTICE OF ENTRY

that the within is a true copy of a  
duly entered in the office of the clerk of the within named court on

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NOTICE OF SETTLEMENT

that an order  
will be presented for settlement to the HON.  
the within named Court,  
on \_\_\_\_\_ at \_\_\_\_\_ M

of which the within is a true copy  
one of the judges of

Dated:

Yours, etc.  
Frank H. Guzmán, Esq.